APPENDIX A

October 2, 1968

Hon. Erwin N. Griswold
Solicitor General
Department of Justice
Washington, D.C. 20530

Re: Richard E. Gorman, Petitioner,
v. United States, No. 173,
October Term, 1968.

Dear Sir:

Your attention is directed to the following facts:

The Petitioner, Richard E. Gorman, is an attorney. He represented S. George Burris, a defendant in case No. 63 CR 311 entitled United States of America v. James R. Hoffa, et al., in the District Court for the Northern District of Illinois. The defendants were convicted and appealed. On Petition for Certiorari, the Solicitor admitted eavesdropping by way of wiretapping had occurred concerning the defendant Mr. Gorman represented. A hearing was ordered by the Supreme Court to determine the extent of the eavesdropping. During that hearing, the District Court refused to allow the defendants to develop if any eavesdropping involved any of the lawyers for the defendants.

On appeal from this hearing in case No. 16634, Seventh Circuit Court of Appeals, the attorney who represented the Government disclosed, on oral argument in June of 1968, for the first time in any court proceeding, that eavesdropping of certain defense attorneys had occurred. The attorney handed to the court a sealed folder which contained the Federal Bureau of Investigation logs of the conversations. Demand was made and refused that these logs be turned over to the defendants. The Court of

Appeals, in its opinion on August 15, 1968, held the information irrelevant to the Hoffa case.

The Petitioner requests that the Solicitor direct the Federal Bureau of Investigation conduct a search of its files and turn over to the Petitioner all records of conversations either by him or pertaining to him for the purpose of his determining if any of these violations of his constitutional rights tainted the evidence in his case, now pending on Petition for Certiorari before the Supreme Court.

Respectfully,

ANNA R. LAVIN

ARL:pw

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA
-vs-
RICHARD E. GORMAN
No. 66 CR 133

ORDER

This cause coming on to be heard upon the motion of the defendant, Richard E. Gorman, the Court having heard counsel for the defendant and counsel for the government and being fully advised of the premises,

IT IS HEREBY ORDERED that the government provide the defendant and his counsel with a copy of the electronic eavesdropping material which has been disclosed by the Solicitor General of the United States;

IT IS FURTHER ORDERED that neither the defendant, Richard E. Gorman, nor his counsel, Anna Lavin and Edward Calihan, is to disclose in any manner the contents, nature or substance of such electronic eavesdropping material to anyone without obtaining prior permission of the court.

ENTER:

.....
UNITED STATES DISTRICT
COURT JUDGE

DATED at Chicago, Illinois,
this ..... day of October, 1968.
RGS:ek

APPENDIX C

NO. 173

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1968

RICHARD E. GORMAN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITIONER'S AFFIDAVIT IN SUPPORT OF PETITION FOR REHEARING

RICHARD E. GORMAN, being on oath first duly sworn, deposes and says:

1. My name is RICHARD E. GORMAN, and I am the Petitioner herein.

2. I have read the purported log submitted by the Government to the District Court and furnished to my attorneys and myself under a protective court order.

3. I am reasonably sure that I know the location of the electronic surveillance.

4. I know that the time period was during the years alleged in the indictment against me.

5. That during that time I visited the location on many occasions.

6. That during that time I was an attorney representing many clients in federal criminal prosecutions.

7. That during that time I conferred with clients at that location.

8. That the subject matter of the discussion referred to in the log may be material to my tax case.

Further, Affiant Sayeth Not.

/s/ Richard E. Gorman
RICHARD E. GORMAN

SUBSCRIBED and SWORN to before me this 5th day of November, 1968.

/s/ Janice S. Tipp
JANICE S. TIPP,
NOTARY PUBLIC
MY COMMISSION EXPIRES:
May 13, 1972

SEAL

APPENDIX D

Subpoena Duces Tecum — Case No. 66 CR 133

United States District Court
Northern District of Illinois

The President of the United States of America

To Marlin Johnson
Special Agent in Charge
Federal Bureau of Investigation
219 South Dearborn;
Chicago, Illinois 60604

OR Any Other
Authorized Agent
or Custodian
of Records
—*GREETING:*

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you attend before Honorable Bernard M. Decker one of the Judges of the United States District Court for said District, on the 1st day of November, A.D. 1968, at 2:00 o'clock in the P.M. in Room 2141 United States Court House in Chicago, in said District, to testify and give evidence in a certain cause now pending and undetermined in said Court, wherein United States is plaintiff and Richard E. Gorman Defendant, on the part of said Defendant, Richard E. Gorman And that you also diligently and carefully search for, examine, and inquire after and bring with you, and produce at the time and place aforesaid, The index card relating to electronic or mechanical surveillance respecting or relating to Richard E. Gorman.

together with all copies, drafts, and vouchers relating to the said documents, and all other documents, letters, and paper writings whatsoever, that can or may afford any information or evidence in said cause. And this you shall

in nowise omit, under the penalty of the law in that case made and provided.

To the Marshal of the Northern District of Illinois to execute and return in due form of law.

ELBERT A. WAGNER, JR.
Clerk

[SEAL]

By /s/ John M. Knox
Deputy Clerk

DATED: Nov. 1, 1968

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

JANICE S. TIPP, being on oath first duly sworn, deposes and says:

That she did personally serve the within subpoena, by delivering a copy of same to Kyle Clark, Assistant Special Agent in Charge, at the office of the Federal Bureau of Investigation, 9th Floor, 219 South Dearborn Street, Chicago, Illinois, 60604, at 10:25 A.M., on November 1, 1968.

/s/ Janice S. Tipp
JANICE S. TIPP

SUBSCRIBED and SWORN to
before me this 1st day
of November, 1968.
/s/ Evelyn M. Rutkowski
NOTARY PUBLIC

(Seal)